	Case 1:21-cv-01530-JLT-BAM Document 3	8 Filed 07/18/22 Page 1 of 7
1 2 3 4 5 6 7 8 9 10 11 12	LOWELL C. BROWN (SBN 108253) lowell.brown@afslaw.com DEBRA J. ALBIN-RILEY (SBN 112602) debra.riley@afslaw.com ARENTFOX SCHIFF LLP 555 West Fifth Street, 48th Floor Los Angeles, CA 90013 Telephone: 213.629.7400 Facsimile: 213.629.7401 Attorneys for Defendant THE MEDICAL STAFF OF SAINT AGNES MECENTER DANIEL HOROWITZ (SBN: 92400) horowitz@physiciandefense.lawyer LAW OFFICE OF DANIEL HOROWITZ 3650 Mt. Diablo Blvd., Ste. 225 Lafayette, CA 94549 Telephone: (925) 283-1863 Attorneys for Plaintiff GAIL MALLARD-WARREN, M.D. [Additional Counsel Listed on Next Page]	EDICAL
13		
14	UNITED STATES	
15	EASTERN DISTRICT OF CAL	IFORNIA - FRESNO DIVISION
16		
17	GAIL MALLARD-WARREN, M.D.,	Case No. 1:21-cv-01530-JLT-BAM
18	Plaintiff,	JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND
19	V.	TIME CONCERNING INITIAL DISCLOSURES, FILE RESPONSIVE
20	SAINT AGNES MEDICAL CENTER, THE MEDICAL STAFF OF SAINT AGNES	PLEADINGS AND TO ESTABLISH RELATED DEADLINES IN ORDER TO
21	MEDICAL CENTER and TRINITY HEALTH INC., NANCY HOLLINGSWORTH, and	PERMIT PARTIES TO PARTICIPATE IN MEDIATION
22	DOES 1-100,	(E.D.L.R. 144(a))
23	Defendants.	Judge: Jennifer L. Thurston
24		Magistrate Judge: Barbara A. McAuliffe
25		Date Action Filed: October 15, 2021
26		Trial Date: None Set
27		
28 ARENTFOX SCHIFF LLP		
ATTORNEYS AT LAW SAN FRANCISCO	- 1 JOINT STIPULATIO	

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15	Attorney for Defendants SAINT AGNES MEDICAL CENTER, TRINITY HEALTH CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY HOLLINGSWORTH
15 16	Attorney for Defendants SAINT AGNES MEDICAL CENTER, TRINITY HEALTH CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY HOLLINGSWORTH
	CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY
16	CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY
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16 17 18 19 20 21 22 23 24 25 26	CORPORATION, erroneously sued as TRINITY HEALTH INC., AND NANCY

1	THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF
2	RECORD:
3	PLEASE TAKE NOTICE that Plaintiff, GAIL MALLARD-WARREN, M.D.
4	("Plaintiff"), by and through her attorneys, and Defendants SAINT AGNES MEDICAL
5	CENTER, THE MEDICAL STAFF OF SAINT AGNES MEDICAL CENTER, TRINITY
6	HEALTH CORPORATION, and NANCY HOLLINGSWORTH, by and through their attorneys,
7	(collectively, "the Parties") hereby stipulate as follows:
8	<u>RECITALS</u>
9	1. On October 15, 2021, Plaintiff filed the Complaint in this matter.
10	2. On December 20, 2021, as corrected on December 22, 2021, the parties filed a
11	Stipulation to Extend Time for Defendants to File Responsive Pleadings, in which the parties
12	agreed to extend Plaintiff's time to file an amended complaint and Defendants' time to respond.
13	3. On January 11, 2022, the Court granted the joint stipulation and extended (i) the
14	time for Plaintiff to file the First Amended Complaint ("FAC") to on or before February 7, 2022,
15	(ii) the time for Defendants to file responsive pleadings from January 14, 2022 to within 30 days
16	after the FAC was filed, and (iii) the time for Defendants to file an anti-SLAPP motion, if any, to
17	60 days after the FAC was filed.
18	4. On January 19, 2022, the parties filed the Stipulation Between Parties Concerning
19	Initial Disclosures, thereby stipulating that pursuant to Rule 26 of the Federal Rules of Civil
20	Procedure the Initial Disclosures shall be provided on or before April 15, 2022.
21	5. On February 7, 2022, Plaintiff filed his FAC.
22	6. On March 8, 2022, Defendants Saint Agnes Medical Center, Trinity Health
23	Corporation, and Nancy Hollingsworth (the "Hospital Defendants") filed their Motion to Dismiss
24	Counts One, Two, Three, Four and Five of the FAC ("Motion to Dismiss").
25	7. On March 9, 2022, Defendant the Medical Staff of Saint Agnes Medical Center
26	joined in the Motion to Dismiss and filed its Notice of Joinder and Joinder to the Hospital
27	Defendants' Motion to Dismiss ("Joinder Motion").
28	

- 8. On March 10, 2022, the Court issued a Minute Order stating that the Motion to Dismiss and Joinder Motion would be decided on the papers and no hearing would be calendared. The Court further informed the parties that due to a significant backlog it "may still be many months until the motion in this matter is resolved."
- 9. On March 22, 2022, the parties filed the Joint Stipulation to Extend Time Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines.
- 10. On April 12, 2022, the Court issued an order granting the Joint Stipulation and set (1) the deadline for Plaintiff to file an Opposition to the Motion to Dismiss as May 12, 2022, (2) the deadline for Defendants to file an anti-SLAPP motion, if any, as May 31, 2022; (3) the deadline for Defendants to file Replies in support of the Motion to Dismiss as May 25, 2022; and (4) the Parties' deadline for serving Initial Disclosures as June 6, 2022.
- 11. On May 13, 2022, the parties filed a further Joint Stipulation to Extend Time Concerning Initial Disclosures, File Responsive Pleadings and to Establish Related Deadlines.
- 12. On May 13, 2022, the Court issued an order granting the Joint Stipulation and set (1)) the deadline for Defendants to file an anti-SLAPP motion, if any, as July 8, 2022; (2) the deadline for Defendants to file Replies in support of the Motion to Dismiss as July 25, 2022; and (3) the Parties' deadline for serving Initial Disclosures as July 15, 2022.
- Order to extend time concerning initial disclosures, file responsive pleadings and establish related deadlines. This stipulation stated that one of the principal attorneys at ArentFox Schiff responsible for representing the Medical Staff of Saint Agnes Medical Center had recently left the firm and that additional time was needed for other ArentFox Schiff to become familiar with the matter, and that the parties were engaged in good faith efforts to explore a potential mediation.
- 14. Pursuant to that stipulation, the Court entered an Order on July 5, 2022, setting the following dates:
 - a. Defendants' deadline for filing an anti-SLAPP Motion, if any, was extended to July 25, 2022;

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- b. Defendants' deadline for filing Replies in support of the Motion to Dismiss remained as July 25, 2022; and
- c. The Parties' deadline for filing Initial Disclosures was extended to August 15, 2022.
- 15. Upon return of Plaintiff's counsel from vacation on July 3, 2022, the parties continued the mediation discussions. The parties have agreed to participate in a mediation, as well as identifying a mutually agreeable mediator or mediators. The parties are working on scheduling of the mediation, but believe that due to the mediators' schedules such mediation may not occur until September or October, 2022. The parties believe that judicial economy and convenience for the parties and the Court will be served by permitting the parties to devote their time and resources to mediation and postpone other matters. The parties request these extended times to allow the mediation to be completed and, if settlement is achieved, to be finalized.
- 16. Pursuant to the stipulation and consistent with efforts to preserve the resources of the parties and the Court, the parties respectfully request that the Court further extend those deadlines as follows:
 - Defendants' deadline for filing an anti-SLAPP Motion, if any, shall be a. extended from July 25, 2022 to October 28, 2022.
 - b. Defendants' deadline for filing Replies in support of the Motion to Dismiss shall be extended from July 25, 2022 to October 28, 2022.
 - The Parties' deadline for filing Initial Disclosures shall be extended from c. August 15, 2022 to November 15, 2022.
 - d. Pursuant to Judge Thurston's minute order (Doc. 22), no hearing date will be calendared.

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Case 1:21-cv-01530-JLT-BAM Document 38 Filed 07/18/22 Page 6 of 7 **STIPULATION** IT IS HEREBY STIPULATED by the parties and their respective undersigned attorneys that, subject to the Court's approval, the following deadlines be extended as set forth herein: Defendants' deadline for filing an anti-SLAPP Motion, if any, currently set a. as July 25, 2022, shall be extended to October 28, 2022. Defendants' deadline for filing Replies in support of the Motion to Dismiss b. currently set as July 25, 2022, shall be extended to October 28, 2022. The parties' deadline for filing Initial Disclosures currently set as August c. 15, 2022, shall be extended to November 15, 2022. Pursuant to Judge Thurston's minute order (Doc. 22), no hearing date will d. be calendared. Dated: July 14, 2022 LAW OFFICES OF DANIEL HOROWITZ By: /s/DANIEL HOROWITZ** DANIEL HOROWITZ Attorneys for Plaintiff Dated: July 14, 2022 LAW OFFICES OF WILLIAM C. HAHESY By: /s/WILLIAM C. HAHESY** WILLIAM C. HAHESY

19 20 21 22

WILLIAM C. HAHESY Attorney for Defendants Saint Agnes Medical Center, Trinity Health Corporation, and Nancy Hollingsworth

Dated: July 14, 2022

ARENTFOX SCHIFF LLP

24 By:/s/ DEBRA J. ALBIN-RILEY DEBRA J. ALBIN-RILEY

Attorneys for Defendant The Medical Staff of Saint Agnes Medical Center

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28 ** As authorized July 14, 2022.

ARENTFOX SCHIFF LLP
ATTORNEYS AT LAW
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JOINT STIPULATION TO EXTEND TIME

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ARENTFOX SCHIFF LLP
ATTORNEYS AT LAW
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